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May 1, 2014

By Email

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2202  
New York, New York 10007

Re: *United States v. Moshe Oratz*, 13 Cr. 268 (JMF)

Dear Judge Furman:

As you know, we represent Moshe Oratz, who appeared before you for sentencing in this matter on April 9, 2014. We are writing to address a matter unrelated to Mr. Oratz's sentence because we believe it necessary, in the interest of our reputation for integrity, due to certain statements by counsel for the government during a subsequent sentencing hearing in this matter.

During the sentencing of Arthur Azen, counsel for the government stated to the Court that Mr. Oratz had participated in the extortionate conduct for which Mr. Azen was being sentenced. Specifically, Mr. Skinner asserted that there was a phone call in which Mr. Oratz described to Mr. Azen "how he had ripped the door off somebody's apartment building when he went to visit him with respect to a debt," and that, in a second telephone call, Mr. Oratz "asked Mr. Azen to go and visit a friend of Mr. Oratz's to collect a debt." Transcript of Azen Sentencing Hearing at 20:12-18. In a similar vein, Mr. Naftalis asserted that Mr. Azen "helped Mr. Oratz collect some debts as well." *Id.* at 12:15-17. We appreciate that, as a result, the Court may have felt it was not fully informed of the facts and circumstances regarding Mr. Oratz's conduct in this case, prior to the imposition of the Court's sentence.

We were troubled to see that the Court believed that "Mr. Oratz's counsel made arguments that he was not involved in any way, shape, or form in violence; that there are no allegations of that." *Id.* at 20. While Mr. Ifrah stated that there were no victims in the case (Transcript of Oratz Sentencing Hearing at 33:13-14, 35:20-21), he made those statements with regard to the fact that the charges here did not involve any allegations of fraud. Our review of the transcript from the hearing does not reflect any statement regarding allegations of violence.



Moreover, at the time of sentencing, we assumed that the Court was well aware that Mr. Oratz was charged with extortion, as this fact was reflected clearly in the indictment. To be sure, Mr. Oratz has persistently denied those allegations, so we did not believe them to be appropriately considered in the Court's determination of Mr. Oratz's sentence. The supposed victim of the "extortion" was a long-time close friend of twenty-five years of Mr. Oratz. The debt that was the focus of Mr. Oratz's conversations with Mr. Azen was not a debt owed to Mr. Oratz, but rather a debt of \$180,000 that the supposed victim owed to Mr. Azen from a poker game. In the end, Mr. Oratz ultimately settled that debt by making a payment of \$30,000 to Mr. Azen on behalf of his friend. These facts are supported by a signed written statement that the supposed victim gave to us during our investigation on behalf of Mr. Oratz. In that statement, the supposed victim stated that he did not believe that Mr. Oratz had sought to use violence to collect any debt from him, and that he had so informed federal investigators when they interviewed him.

While we do not believe that we acted inappropriately, we do regret if the Court felt misled by our presentation on behalf of Mr. Oratz. We remain at all times cognizant of our obligation of candor and truthfulness to the Court, and, as experienced advocates, we are mindful of the importance of maintaining a reputation for honesty and integrity even while providing zealous advocacy on behalf of our clients.

We have sent this letter directly to chambers because we did not believe that it needed to be filed in the record of Mr. Oratz's case, but if the Court directs us to file it, we will comply with that instruction.

Respectfully submitted,

/s/ A. Jeff Ifrah

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